

GENERAL COUNSEL'S OPINION NUMBER 55-3, DATED 2 FEBRUARY 1955

OGC HAS REVIEWED.

The Agency has the authority to pay the travel expenses of a member of the armed services from his present post of duty to headquarters and return in the instance in which the member formerly was on duty with the Agency and the trip is made at the request of the Agency for the purpose of settling the accounts of the member with the Agency. This authority should only be resorted to when appropriate authorities within the Agency deem a request to the parent service for a deduction from the member's pay for any indebtedness to the Agency to be inequitable at that time.

TO DEPUTY CHIEF, FINANCE DIVISION

1. In your memorandum you request the opinion of this office as to the propriety of having Major B ordered TDY to Washington from Maxwell Air Force Base, Montgomery, Alabama, at the Agency's expense for the purpose of attempting to settle the matter of his outstanding indebtedness to the Agency in the amount of \$685.92.

2. Major B was on military detail with this Agency and has since been returned to his parent service and is now on duty at Maxwell Air Force Base. The amount which is sought to be collected arose out of an erroneous payment to Major B incident to the settlement of his accounts when he left the Agency. It appears that attempts to settle the matter by correspondence have been unsuccessful and that Major B, while stating his willingness to pay any amount actually owed, has disputed both the amount owed and reasons therefor. In short, there appears to be substantial difference of opinion as to the facts involved. Further, we are informed by Mr. N of your office that the situation has arisen, at least partially, because of administrative error in the Finance Division. It is your suggestion that an appropriate way to settle the matter is to bring B to Washington, confront him with what is now a complete documentation of the matter, and attempt to reach an agreement. You offer your opinion that probably this can be done in one day.

3. This office has no legal objection to the expenditure of Agency funds for the purpose suggested. While the matter is not specifically the subject of any statute or regulation, we feel that the authority of the Director to expend monies of the Agency is sufficiently broad to cover a circumstance of this nature.

4. As a matter of information, we call to your attention Public Law 497, 83rd Congress (68 Stat. 482 (1954)). This law authorizes the deduction from all authorized pay of any civilian employee of the United States, or member of one of the armed services, of any amount erroneously paid to such person by the head of the department or agency having jurisdiction of such person. The authority contained in this law would seem to be the

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appropriate one for action in most cases of the general nature here involved. However, since you seem to feel that an outright deduction from B's pay, without further ado, would not take cognizance of the equities of his particular situation, and there being no legal objection to the method proposed by you, this office would have no objection to your not resorting to the authority of the statute at this time. However, it is suggested that you avail yourself of the statute should you be unable to reach a satisfactory agreement with Major B as well as in other cases where the right of the Government to any sums is clearly established.

5. Your file is returned.



LAWRENCE R. HOUSTON
General Counsel

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